



National Aeronautics and  
Space Administration  
Washington, DC 20546

# Procurement Notice

**PN 97-102**  
**August 27, 2004**

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## **REQUIREMENT FOR REFRESHER COTR TRAINING**

**BACKGROUND:** This PN revises the NASA FAR Supplement (NFS) by reaffirming the requirement for periodic refresher training for Contracting Officers' Technical Representatives (COTRs). This requirement was first established by the Assistant Administrator for Procurement on September 13, 2001. On July 28, 2004, the Assistant Inspector General for Auditing found that NASA installations are uncertain whether the memorandum was intended as mandatory Agency policy or simply a suggestion, and recommended that the Assistant Administrator for Procurement revise the NFS and incorporate a clear policy for mandatory refresher COTR training at a specified interval (Assignment Number A-03-024-00). Management concurred in the recommendation and this NFS change is intended to firmly establish the requirement.

**ACQUISITIONS AFFECTED BY CHANGES:** None.

**ACTION REQUIRED BY CONTRACTING OFFICERS:** None.

**CLAUSE CHANGES:** None.

**PARTS AFFECTED:** Part 1842.

**REPLACEMENT PAGES:** You may use the enclosed pages to replace 42:5 and 42:6 of the NFS.

**TYPE OF RULE AND PUBLICATION DATE:** Not Applicable. This change does not have a significant effect beyond the internal operating procedures of the Agency or have a significant cost or administrative impact on contractors or offerors and therefore does not require codification in the Code of Federal Regulations (CFR) or publication for public comment.

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Enclosures

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(vi) For contracts placed directly with Canadian firms, audits are requested by the contracting officer from the Audit Services Branch, Comptroller of the Treasury, Department of Finance, Ottawa, Ontario, Canada. Invoices are approved by the auditor on a provisional basis pending completion of the contract and final audit. These invoices, accompanied by SF 1034, are forwarded to the contracting officer for further processing and transmittal to the fiscal or financial management officer. Periodic advisory audit reports are furnished directly to the contracting officer.

**1842.202-70 Retention of contract administration.**

(a) The assignment of contract administration is optional for the following contracts:

(1) Research and development study contracts not involving deliverable hardware or Government furnished property.

(2) Contracts with delivery schedules of 90 days or less.

(3) Purchase orders without Government source inspection requirements.

(4) Contracts requiring only on-site performance.

(5) Contracts requiring work in the vicinity of the awarding center where DOD contract administration services are not reasonably available.

**1842.270 Contracting officer technical representative (COTR) delegations.**

(a) The cognizant contracting officer may appoint a qualified Government employee to act as their representative in managing the technical aspects of a particular contract. If necessary, the contracting officer may appoint an alternate COTR to act during short absences of the COTR. Technical organizations are responsible for ensuring that the individual they recommend to the contracting officer possesses training, qualifications and experience commensurate with the duties and responsibilities to be delegated and the nature of the contract.

(b) NASA Form 1634, Contracting Officer Technical Representative (COTR) Delegation, shall be used to appoint COTRs. A COTR's duties and responsibilities may not be redelegated by the COTR and the COTR may be held personally liable for unauthorized acts. However, this does not prohibit the COTR from receiving assistance for the purpose of monitoring contractor progress and gathering information. When an individual is appointed as a COTR on more than one contract, separate delegations shall be issued for each contract. A separate NASA Form 1634 will be used to appoint an alternate COTR.

(c) A COTR delegation remains in effect throughout the life of the contract unless canceled in writing by the cognizant contracting officer or at any level above that contracting officer. The contracting officer may modify the delegation only by issuance of a new delegation canceling and superseding the existing delegation.

(d) A COTR shall not be authorized to initiate procurement actions or in any way cause a change to the contract or increase the Government's financial obligations. However, delegations may be made to construction contract COTRs to sign emergency on-site change orders with an estimated value not to exceed the value specified in writing by the contracting officer in the NASA Form 1634 but in no event to exceed \$25,000.

(e) Each COTR shall acknowledge receipt and accept the delegation by signing the original delegation letter. The original of the COTR delegation letter shall be filed in the applicable contract file. Copies of the signed COTR delegation letter shall be distributed to the COTR, the contractor, and each cognizant contract administration office. Acknowledgment and distribution

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for terminations of COTR delegations and COTR delegations which revise authority, duties and responsibilities shall follow the same rules.

(f)(1) Mandatory training for COTRs and their alternates shall include the following core topic areas:

- (i) Contracting authority and contract modifications (including non-personal services and inherently governmental functions);
- (ii) Inspection and surveillance;
- (iii) Changes and performance-based contracting;
- (iv) Contract financial and property management (including "Limitation of Cost" clause, Anti-Deficiency Act, "Limitation of Funds" clause); and
- (v) Disputes.

(2) Those COTRs for whom it has been more than five (5) years since they received comprehensive training shall receive refresher training.

(3) Procurement Procurement officers are responsible for assuring that the course(s) utilized by their center address the mandatory core topics in sufficient detail for the purpose of COTR training. Procurement officers may accept the following training alternative(s) in satisfaction of comparable requirement(s) specified in paragraph (f)(1) of this section:

- (i) Another center's COTR training; or
- (ii) Annual ethics training.

(g) The contracting officer shall verify that the COTR has received the mandatory training before signing NASA Form 1634. If an urgent need arises for the appointment of a COTR and no trained and otherwise qualified individual is available, then the procurement officer may make a temporary COTR appointment not to exceed six months. Temporary appointments must be so identified and clearly reflect the appointment expiration date.

(h) No technical direction may be issued by a COTR relative to performance-based contract requirements or when serving under a temporary appointment.

### **1842.271 NASA clause.**

Insert the clause at 1852.242-70, Technical Direction, when paragraph 3(m) of the NASA Form 1634 specifically authorizes a COTR to issue technical direction.

## **Subpart 1842.3--Contract Administration Office Functions**

### **1842.302 Contract administration functions.**

(a) In addition to the responsibilities listed in FAR 42.302(a), responsibility for reviewing earned value management system (EVMS) plans and verifying initial and continuing contractor compliance with NASA and DoD EVMS criteria and conformity with ANSI/EIA Standard 748, Industry Guidelines for EVMS, is normally delegated to DCMA.

## **Subpart 1842.5--Postaward Orientation**

### **1842.503 Postaward conferences.**

(1) A postaward conference shall be held with representatives of the contract administration office when --

- (i) A contract is expected to exceed \$10,000,000;
- (ii) Contract performance is required at or near a NASA installation or NASA-controlled launch site;